

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – December 18, 2012**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 6:15 P.M.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor McDonald led everyone in the flag salute.

Roll Call: Gleba, McDonald, Higgins, Boyle, Torres, Jewell,  
Valentine(arrived at 7:00pm)

Also Present: Kristine Blanchard, Manager/Borough Clerk  
Dick Cushing, Attorney

**EXECUTIVE SESSION:**

Resolution 178-2012

A motion was made by Gleba, seconded by Torres to enter into Executive Session.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 178-2012**  
**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_ A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Investigations of violations or possible violations of the law;

  x   Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_ Professional Service Contracts \_\_\_\_\_. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this

information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_\_\_\_Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Councilman Valentine arrived at this time.

Mayor McDonald requested a moment of silence for those who passed, for the families of those who passed, and for the first responders who witnessed that devastating tragedy at Sandy Hook Elementary School in Newtown, Connecticut.

**PROCLAMATIONS:**

***PROCLAMATION OF THE  
BOROUGH OF WASHINGTON***

**WHEREAS**, Patrick Boyle has been a member of the Washington Borough Council since 2009; and

**WHEREAS**, Patrick Boyle also served as Chairman of the Planning Board and Deputy Mayor, and on both the Sewer Committee and Streets Committee with skill,

dedication and commitment above and beyond the reasonable expectations of the community; and

**WHEREAS**, Patrick Boyle will always be remembered by his colleagues for his willingness to help others, commitment to local government and dedication to Washington Borough; and

**WHEREAS**, the Mayor and Council, of the Borough of Washington, desire to express the appreciation of the entire community to Patrick Boyle for his years of service to the Borough of Washington.

**NOW, THEREFORE, BE IT PROCLAIMED** by Scott McDonald, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its inhabitants are hereby expressed for the years of public service performed by Patrick Boyle.

**BE IT FURTHER PROCLAIMED** that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Patrick Boyle on December 18, 2012, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Patrick Boyle by an appreciative and thankful community.

## *PROCLAMATION OF THE BOROUGH OF WASHINGTON*

**WHEREAS**, John Valentine has been a member of the Washington Borough Council since 2009; and

**WHEREAS**, John Valentine also served on the Codebook Committee, was instrumental in re-establishing the clean communities grant program, and served on the Policy Committee with skill, dedication and commitment above and beyond the reasonable expectations of the community; and

**WHEREAS**, John Valentine will always be remembered by his colleagues for his commitment to environmental issues, willingness to help others, commitment to local government and dedication to Washington Borough; and

**WHEREAS**, the Mayor and Council, of the Borough of Washington, desire to express the appreciation of the entire community to John Valentine for his years of service to the Borough of Washington.

**NOW, THEREFORE, BE IT PROCLAIMED** by Scott McDonald, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its inhabitants are hereby expressed for the years of public service performed by John Valentine.

**BE IT FURTHER PROCLAIMED** that this Proclamation be duly embossed, signed by the Mayor, publicly presented to John Valentine on December 18, 2012 and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to John Valentine by an appreciative and thankful community.

**MINUTES:**

**Regular Meeting Minutes – December 4, 2012**

Motion made by Gleba, seconded by Jewell to approve the minutes of December 4, 2012.

Ayes 7, Nays: 0  
Motion Carried

**AUDIENCE:**

Hearing no comments from the audience a motion was made by Higgins, seconded by Torres, to close the audience portion of the meeting.

Ayes: 7, Nays: 0  
Motion Carried

**ORDINANCES:**

**Ordinance 9-2012 Repealing Article XVII “On-Street Overnight Parking Permits” Chapter 85 of the Code of the Borough of Washington NJ. (Public Hearing/Adoption)**

Motion made by Valentine and seconded by Jewell to introduce Ordinance #9-2012 on final passage and have the Clerk read by title.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 7, Nays: 0  
Motion Carried

The Clerk read Ordinance #9-2012 Repealing Article XVII “On-Street Overnight Parking Permits” Chapter 85 of the Code of the Borough of Washington, NJ.

Public Hearing

Hearing no comments from the public, a motion was made by Higgins, seconded by Jewell to close the public hearing of Ordinance #9-2012.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 7, Nays: 0  
Motion Carried

Council Discussion

Hearing no comments, a motion was made by Higgins, seconded by Jewell to adopt Ordinance #9-2012 on final passage.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 7, Nays: 0  
Motion Carried

**ORDINANCE # 9 -2012**  
**AN ORDINANCE REPEALING ARTICLE XVII “ON-STREET OVERNIGHT**  
**PARKING PERMITS” OF CHAPTER 85 OF THE CODE**  
**OF THE BOROUGH OF WASHINGTON, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Borough of Washington have determined that it is in the best interests of the citizens of the Borough of Washington to repeal provisions relating to on-street overnight parking permits.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that

1. Article XVII “On-Street Overnight Parking Permits” of Chapter 71, “Vehicles and Traffic” of the Revised General Ordinances of the Borough of Washington is hereby repealed in its entirety.
2. Article XVIII, “Lane Use Reservations” of Chapter 71 shall be renumbered as Article XVII.
3. In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and

provisions shall remain in effect. This Ordinance shall take effect upon passage and publication in accordance with law.

**RESOLUTION # 176-2012**  
**A RESOLUTION WAIVING THE TWENTY DAY**  
**WAITING PERIOD FOR ADOPTION OF AN**  
**ORDINANCE**

**WHEREAS**, Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, states that Ordinances shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, adopts a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage; and

**WHEREAS**, the project enumerated within the above captioned Ordinance are necessary for the betterment of the residents in light of a critical parking problem in the Borough of Washington and;

**WHEREAS**, the 20 day waiting period is not in the best interest of the residents and employees of the Borough of Washington and;

**NOW, THEREFORE, BE IT RESOLVED** by the members of the Borough of Washington of the Borough of Washington, in the County of Warren, State of New Jersey that Ordinance #9-2012 in accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington and that this Ordinance shall take effect immediately upon December 31, 2012.

Attorney Cushing recommends that Council add the following: “in light of a critical parking problem” to explain why it is an emergency.

Resolution 176-2012 was moved on a motion made by Torres, seconded by Jewell and approved.

Ayes: 7, Nays: 0  
Motion Carried

**Ordinance 10-2012 Establishing Recreation Department Program Fees. (Public Hearing/Adoption)**

Motion made by Gleba and seconded by Torres to introduce Ordinance #10-2012 on final passage and have the Clerk read by title.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 7, Nays: 0  
Motion Carried

The Clerk read Ordinance #10-2012 Establishing Recreation Department Program Fees.

Public Hearing

Hearing no comments from the public, a motion was made by Higgins, seconded by Jewell to close the public hearing of Ordinance #10-2012.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 7, Nays: 0  
Motion Carried

Council Discussion

Hearing no comments, a motion was made by Gleba, seconded by Valentine to adopt Ordinance #10-2012 on final passage.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 7, Nays: 0  
Motion Carried

**Ordinance 10-2012**  
**AN ORDINANCE ESTABLISHING RECREATION**  
**DEPARTMENT PROGRAM FEES**

**BE IT ORDAINED** by the Borough Council of the Borough of Washington, in the County of Warren, and State of New Jersey as follows:

**SECTION 1.** The Borough of Washington Recreation Department (“Recreation Department) is authorized to recommend fees for participation in its programs/events in accordance with the following schedule.

**SECTION 2.** The Recreation Director, or his/her designee, will schedule dates, times and locations for the following programs/events. The fee for participation in the program/event for each registrant shall be within the following parameters:

Recreation Program/Event		Minimum	Maximum
<b>Fees Apply for all Boro Administered Programs up to and including the 2<sup>nd</sup> child</b>			

(50% for 3 <sup>rd</sup> child and no fee for 4 <sup>th</sup> child and beyond)			
<b>Girl's Softball: 2nd Grade thru 8th Grade</b>			
	ALL	\$35	\$100
<b>Karate/Self-Defense - Ages 5 thru 12</b>			
	ALL	\$35	\$100
<b>Easter Egg Hunt: Ages 3 to 6th Grade</b>	No Charge		
<b>Swim Team: Ages 5 to 18 Team Member</b>	<b>Must also be member of the pool</b>	\$50	\$100
<b>Swim Lessons: Ages 3 and Up</b>	<b>Must be 42 inches in height</b>		
	ALL	\$40	\$100
	Private Lessons – 10 sessions	\$60	\$100
<b>Pool Fees</b>			
<b>Membership</b> (All memberships half price after August 1 <sup>st</sup> )	Individual (Boro Resident)	\$75	\$125
	Individual (Non-Boro)	\$75	\$125
	Family (Boro Residents)	\$150	\$300
	Family(Non-Boro)	\$150	\$300
	Senior Citizens (ALL)	\$0	\$50
Trial Membership – 4 Days (for up to family)	Expires 7/1 each year	\$0	\$40
Trial fee may be applied to membership			
<b>Daily</b>			
Adult		\$6	\$10
Child (4 to 17 years old)		\$4	\$8
Child (up to 3 years old)		\$0	\$0
Senior		\$0	\$8
Twilight (after 6pm)	All Twilight	\$3	\$6
<b>Teen Pool Party</b>		\$3	\$10
<b>Water Aerobics</b>		\$10	\$40

<b>Soccer: Kindergarten to 8th Grade</b>	Age 5	\$35	\$50
	Ages 6 & 7	\$35	\$100
	Ages 8 and up	\$45	\$100
<b>Field Hockey: 2nd to 6th Grade</b>			
	ALL	\$35	\$100
<b>Men's Basketball</b>	Team Sponsor	\$200	\$600
Individual Participant	ALL	\$40	\$75
<b>Ice Skating</b>		\$5	\$300
<b>Movies in the Park</b>	No Charge		
<b>Youth Basketball: K thru 2nd Grade (Clinic)</b>	<b>Clinic only</b>	\$30	\$60
3 <sup>rd</sup> Grade thru 8 <sup>th</sup> Grade	ALL	\$40	\$100
<b>Street Hockey: Kindergarten to 8th Grade</b>			
	ALL	\$35	\$100
<b>Usage Fee – Field/Game Day (Field Fee Included in Registration Fee for all Boro Administered Programs)</b>	Daily Fee	\$45	\$500
Field Fee Based on Field Maint/Prep			
Lighting at Park	Per Hour	\$15/hr	\$55/hr
<b>Sport Clinic Programs</b>		\$35	\$100
<b>Party Rental (Pool Hours)</b>	Members	0	0
	Non-Members	0	0
<b>Party Rental (After Hours)</b>	50 People	200	300
	51-100 People	300	400
	Over 100 People	400	500
<b>Pavilion/Tent Rental</b>		\$25	\$100
<b>Summer Recreation Programs</b>		\$50	\$1000
<b>Special Events</b>		\$5	\$1000
<b>5K Run/Walk</b>		\$5	\$60
<b>Aerobics/Exercise Class per person</b>		\$5	\$40
<b>Aerobics/Exercise Class per instructor</b>		\$50	\$1000

Equipment Use		\$5	\$500
Grandstand Snack Bar usage- 3 <sup>rd</sup> party use		\$20	\$500

**SECTION 3.** By no later than March first of each year the Recreation Director shall evaluate the costs and expenses for operating each Program/Event and make a recommendation to the Mayor and Council and Manager as to the amount to be charged for participation in the Program/Events presented by the Recreation Department, which shall be within the range of fees established by this ordinance. The Borough Council shall review the Recreation Program/Event Fee recommendations made by the Recreation Director in order to establish the current year Recreation Program Fee Schedule, which shall be adopted by the Mayor and Council via resolution annually.

**SECTION 4.** All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

**SECTION 5.** This ordinance shall take effect immediately after final passage, approval and publication of notice thereof as required by law.

**RESOLUTION # 177-2012**  
**A RESOLUTION WAIVING THE TWENTY DAY**  
**WAITING PERIOD FOR ADOPTION OF AN**  
**ORDINANCE**

**WHEREAS**, Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, states that Ordinances shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, adopts a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage; and

**WHEREAS**, the project enumerated within the above captioned Ordinance are necessary for the betterment of the residents of the Borough of Washington and;

**WHEREAS**, the 20 day waiting period is not in the best interest of the residents and employees of the Borough of Washington because it is necessary to have fees in place by January 1, 2013 and;

**NOW, THEREFORE, BE IT RESOLVED** by the members of the Borough of Washington of the Borough of Washington, in the County of Warren, State of New Jersey that Ordinance #10-2012 in accordance with Chapter 3, Article II, Section 15,

Subsection E of the Code of the Borough of Washington and that this Ordinance shall take effect immediately upon December 31, 2012.

Attorney Cushing recommends that Council add the following: “necessary to have fees in place by January 1, 2013” to explain why it is an emergency.

Resolution 177-2012 was moved on a motion made by Torres, seconded by Valentine and approved.

Ayes: 7, Nays: 0  
Motion Carried

**REPORTS:**

A motion was made by Higgins, seconded by Gleba to receive and file the following reports:

1. Manager’s Report
2. DPW Report – November 2012
3. Washington Township Police Dept. Report – November 2012
4. CFO Report

Council Discussion

Councilman Jewell asked if there was a status on the wood chipper as far as chipping on the street. Manager Blanchard stated that DPW is done and in her opinion it is too time consuming and the Boro does not have the resources available to chip on the street.

Ayes: 7, Nays: 0  
Motion Carried

**NEW BUSINESS:**

Resolution 174-2012 – Cancel Taxes Due to Veteran Status

**RESOLUTION # 174-2012**  
**A RESOLUTION TO CANCEL 2012 TAXES**  
**DUE TO VETERAN EXEMPT STATUS**

**WHEREAS**, the Tax Collector has received an approved application for a 100% Permanent and Total Disabled Veteran from the Tax Assessor for Block 4 Lot 12; located at 254 W Warren Street and in the name of Polachak, Thomas N; and

**WHEREAS**, the Tax Assessor has advised the Tax Collector that the application for the exemption was received from Thomas N Polachak and approved with an effective date of July 1, 2011; and

**WHEREAS**, the tax exemption does not show in the 2012 Tax duplicate and will be in effect in the 2013 Tax Duplicate.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector is authorized to cancel the 2012 Real Estate Property Taxes from January 1, 2012 to December 31, 2012 due to the exempt status .

Resolution 174-2012 was moved on a motion made by Higgins, seconded by Jewell and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 7, Nays: 0  
Motion Carried

Resolution 175-2012 – Redemption of Tax Certificate

**RESOLUTION #175-2012**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 15, 2011 to FWDSL & Associates LP, 5 Cold Hill Rd S Ste:11, Mendham, NJ 07945, in the amount of \$1,896.81 for taxes or other municipal liens assessed for the year 2010 in the name of Swackhamer, Guy D & Linda, as supposed owners, and in said assessment and sale were described as 256 E Washington Avenue, Block 70 Lot 4, which sale was evidenced by Certificate #11-00017; and

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-7-12 and before the right to redeem was cut off, as provided by law, Forster & Abores/Swackhamer claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$18,103.47, which is the amount necessary to redeem Tax Sale Certificate #11-00017.

**NOW THEREFORE BE IT RESOLVED**, on this 18<sup>th</sup> day of December, 2012 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 5 Cold Hill Rd S Ste: 11, Mendham, NJ 07945 in the **amount of \$18,103.47**.

Resolution 175-2012 was moved on a motion made by Torres, seconded by Jewell and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 6, Nays: 0  
Abstain: (1) Gleba  
Motion Carried

**VOUCHERS:**

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$355,768.46

Motion made by Torres, seconded by Gleba and approved.

Roll Call: Gleba, Jewell, Torres, McDonald, Valentine, Higgins,  
Boyle  
Ayes: 7, Nays: 0  
Abstain: Higgins – Fire Dept.  
Jewell – Fire and EMS  
Gleba – Finelli Consulting Engineers

Councilwoman Gleba left the meeting at this time.

## **COUNCIL REMARKS:**

Councilman Valentine thanked the Borough residents for allowing him to be on Council the past four years. Councilman Valentine thanked Rich Phelan, Natasha Turchan, and Tom Ferry for all their help and it has been a pleasure working with Manager Blanchard. Councilman Valentine would also like to thank Vic Cioni and Terry Housel. They both made themselves available as a resource and were a tremendous help.

Councilman Boyle stated that 2009 and 2010 were two very tough years and it was very encouraging that the Borough residents had demanded results and we, as a Council have done that. Councilman Boyle gives a lot of credit to Councilman Higgins, he has a lot of knowledge and presents it strongly. Councilman Boyle also thanked Mayor McDonald for conducting the meetings efficiently and thanked Manager Blanchard for taking over the reigns as manager.

Councilman Higgins questioned whether the Hurricane Sandy funds will be reimbursed from the state or federal government. Manager Blanchard stated that the funds will be coming from FEMA. Once all the bills are in and compiled, we will finalize the report and send it to FEMA. We will be reimbursed for seventy five percent of what we spent in regards to Hurricane Sandy.

Councilman Higgins also questioned why there are barricades up downtown. Manager Blanchard replied that the barricades are there due to a portion of the façade of that building that is pulling away from the building. The construction official has issued a notice of unsafe structure to the property owner. They have so many days to fix it or they will be fined. Attorney Cushing stated there is a statutory procedure for unsafe buildings and there are also provisions under the construction code official law that allows the construction code officer to take dramatic action. He has the authority to shut the building down if the building is unsafe. He can order the owner of the building to board up the building so it can't be used until the repairs are made. He can also impose a substantial fine if the property owner ignores the construction code official's directive to make repairs.

Councilman Higgins wished everyone a Merry Christmas and stated that the Council Re-Organization meeting is Wednesday, January 2<sup>nd</sup> at 7:00 p.m. Councilman Higgins wished Councilman Valentine good luck and thanked him for spending time on Council. Councilman Higgins personally thanked Councilman Boyle for the support Councilman Boyle has given him over the years and stated that Councilman Boyle did a great job.

Councilman Torres thanked both of the outstanding councilmen who gave a lot of their time and effort to serving their community. Councilman Torres also wished everyone a Merry Christmas.

Councilman Jewell thanked both Councilman Boyle and Councilman Valentine for their service. Councilman Jewell stated that the Borough is doing well and he believes both

Councilman Valentine and Councilman Boyle were keystones in this accomplishment along with Manager Blanchard and her staff. Councilman Jewell looks forward to working with Mrs. Conry and Mr. Thompson in the new year. Councilman Jewell concluded by wishing everyone a Merry Christmas and a Happy New Year.

Mayor McDonald gave kudos to both Councilman Valentine and Deputy Mayor Boyle. Mayor McDonald stated that as deputy mayor, Councilman Boyle filled in on a few occasions, such as officiating weddings and running meetings. Mayor McDonald thanked both councilmen for their service and for their contributions to the Borough of Washington. Mayor McDonald wished everyone a Merry Christmas and a Happy New Year. Be safe and be careful.

Councilman Valentine left the meeting at this time.

**EXECUTIVE SESSION:**

Resolution 178-2012

A motion was made by Torres, seconded by Boyle to go into Executive Session after a five minute recess.

Ayes: 5, Nays: 0  
Motion Carried

**RESOLUTION # 178-2012**  
**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct

an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_ A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_ Professional Service Contracts \_\_\_\_\_. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_\_\_\_ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected

have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Hearing no further business, a motion made by Torres, seconded by Boyle to adjourn the meeting at 9:10 p.m.

\_\_\_\_\_  
Mayor Scott McDonald

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Kristine Blanchard, RMC Borough Clerk